

REMARKS/ARGUMENTS

Pursuant to the filing of this second Request for Continued Examination, Applicants present with this amendment amended independent Claims 1, 15, 23 and 45, together with certain amendments to claims dependent, respectively, on Claims 1, 15, 23 and 45. Independent Claim 30 remains in the application unamended herein. New Claims 49 through 51 have been added depending from amended Claim 45.

Certain claims presented with this amendment have been amended to patentably distinguish over the prior art including Applicants' so-called admitted prior art. Withdrawal of the rejection in the last Office Action of Claims 1, 15, 23, 30 and 45 and the claims dependent thereon, respectively, is respectfully requested. Applicants verily believe that the systems and methods set forth in independent claims 1, 15, 23, 30 and 45 are not made obvious by Applicants' admitted prior art. Applicants have referred, on page 3 of the specification, to the fact that electronic communication network "websites" have been created to provide lottery players with news and statistical information related to lotteries. Applicants have also referred, on page 3 of the specification, to the existence of lottery pools and, particularly, the disadvantages of existing pools with regard to the burden of collecting tickets, tracking pool participant names, distributing photocopies of the tickets to the participants, checking numbers against winning sets of numbers and the errors likely to arise from manual management of such pools.

However, with respect to Claim 1, for example, Applicants have not admitted the existence of or discussed prior art which would make obvious a system for lottery pool management over a communications network which includes a participant

interface configured to enable each of the pool participants to be informed by way of participant computers of all of the sets of lottery numbers that are entered in the pool by respective pool participants. Moreover, there is no suggestion in the prior art of record in this application, including the alleged Applicants' admitted prior art, of a system for lottery pool management which includes a notification interface in communication with a participant interface and a lottery interface and configured to alert a plurality of pool participants by way of participant computers, respectively, about activities in each of the lotteries that a participant has entered, including the drawing result and the share of any monies to be paid out as a result of a given set of numbers being drawn as a winning set. In at least these respects Claim 1 is believed to distinguish over the prior art of record, including Applicants' so-called admitted prior art. Reconsideration for allowance of Claim 1, as currently amended, is respectfully requested.

Claims 2 and 3 have been amended to properly depend from amended Claim 1. There is clearly no suggestion in any of the prior art, including the alleged Applicants' admitted prior art, of the provision in a lottery pool management system of a lottery pool creation module which will allow pool participants to create new pools by way of a participant computer. Still further, with regard to Claim 3, there is no suggestion of the provision of a participant interface which includes a ticket entry module allowing participants to enter ticket numbers into a lottery pool by way of a participant computer, nor a history module as required by Claim 4, nor a notification interface configured to notify each club member when a lottery reaches a specified jackpot level as also

required by Claim 4.

Applicants respectfully submit the prior art fails to disclose or suggest a second chance module as a part of a participant interface in a lottery pool management system as required by Claim 5, nor a lottery interface configured to retrieve rules and regulations associated with one or more lotteries as required by Claim 6, nor a ticket purchase module to allow the system to purchase tickets for the lotteries as required by Claim 7. Reconsideration for allowance of Claims 2 through 14, dependent on amended Claim 1 is requested for the reasons set forth above in support of the patentability of Claim 1, in particular.

Reconsideration for allowance of Claim 15, as currently amended, is requested. Claim 15 has been amended to recite the steps of admitting a plurality of participants into a lottery pool by way of respective participant computers and contributing one or more sets of lottery numbers to a pool by recording said one or more sets of lottery numbers on a pool management computer and wherein the one or more sets of lottery numbers are contributed either by a pool master, by another pool participant or by different pool participants. Claim 15 has further been amended to recite the step of retrieving drawing results and jackpot amounts from a selected lottery and causing a management computer to compare the drawing results with one or more sets of lottery numbers, together with further steps including notifying each lottery pool participant by way of respective ones of the participant computers when a winning event occurs and further notifying each pool participant they are entitled to a share of every amount that is to be paid out.

None of the prior art discloses or suggests a method of

arranging a lottery pool via a communications network including the steps of admitting plural participants into a group by way of respective participant computers nor the steps of contributing sets of lottery numbers, entering the sets of lottery numbers into selected lotteries, retrieving drawing and jackpot amount results from the selected lottery and notifying pool participants by way of respective ones of the participant computers of a winning event and the amount that each participant is entitled to receive pursuant to a given set of lottery numbers being drawn as a winning set. Reconsideration for allowance of Claim 15, as amended, is respectfully requested.

Claims 16 through 22 remain in the application, depending directly or indirectly from Claim 15. With respect to Claim 19, in particular, the prior art, including the alleged Applicants' admitted prior art, clearly fails to disclose or suggest the method of arranging a lottery pool via a communications network wherein pool participants are alerted as to the amount of time remaining before a lottery closes to enable at least one of purchase of tickets for the lottery and entry of sets of numbers for the lottery and wherein the alerting step requires one of displaying time data and displaying a color on a participant computer. Still further, with regard to Claims 20 and 21, the prior art fails to disclose or suggest the steps of identifying any matches between one or more sets of lottery numbers and the drawing results of a selected lottery, including the step of causing matches to be displayed on one or more participant computers.

Reconsideration for allowance of Claims 23, 24 and 29 is requested. Claim 23 has been amended to recite a computer program embodied on a computer readable medium for arranging

lottery pools which includes a code segment to admit one or more participants to the lottery pool by way of one or more participant computers, together with a code segment to receive one or more sets of lottery numbers and further together with a code segment to notify each of one or more pool participants of drawing results and jackpot amounts to be shared by each of the one or more pool participants. The prior art fails to disclose or suggest a code segment as part of a computer program adapted for purchasing sets of lottery numbers as required by Claim 24. Reconsideration for allowance of Claims 23, 24 and 29 is requested.

Previously presented Claim 30 is believed to be patentably distinct from the art of record including the alleged Applicants' admitted prior art. Claim 30 is directed to a system for lottery pool management, including a participant interface configured to allow a participant to participate in different lottery pools associated with different lotteries, a lottery interface being in communication with one or more lotteries and the participant interface for comparing drawing results with sets of lottery numbers in the one or more lottery pools and operable to recognize a winning event, together with a notification interface notifying each pool participant they are entitled to share in all amounts that are to be paid out as a result of a given set of lottery numbers being drawn as a winning set. Claim 31 remains dependent on Claim 30 and further requires that the participant interface include a lottery pool creation module to allow pool participants to create new lottery pools. As pointed out hereinabove, the art clearly fails to disclose or suggest a system for lottery pool management as required by

the elements recited in Claims 30 and 31 and reconsideration for allowance of these claims is requested.

Claim 45 is amended herein to recite a lottery pool management system configured for operation on an electronic communications network and including participant, lottery and notification interfaces, said interfaces being resident on a lottery pool management computer connected to one or more participant computers by way of the network. Each of the interfaces recited in Claim 45 includes features which are clearly not disclosed in or suggested by the prior art including the alleged Applicants' admitted prior art. For example, Claim 45 requires a participant interface configured to increase the chances for each of plural pool participants to win a lottery in at least one lottery pool comprising different sets of lottery numbers provided by one participant or by different participants. Further, the prior art does not suggest the provision of a notification interface in a lottery pool management system for alerting participants concerning activity in one or more lotteries, the drawing results of a lottery and being operable to notify each pool participant they are entitled to share a jackpot amount resulting from a given set of lottery numbers being a winning set.

Still further, with regard to dependent Claims 46 through 51, the prior art clearly fails to disclose or suggest a lottery pool management system which includes a pool creation module to allow pool participants to create a new lottery pool as required by Claim 46, nor a ticket entry module as part of a participant interface to allow pool participants to enter ticket numbers into lottery pools which the pool participants have selected and to edit the ticket entries as required by Claim 47, nor a history module to allow pool participants to

track the history of numbers chosen and played by other pool participants as required by Claim 48.

With regard to new Claims 49 through 51, there is nothing in the prior art of record in this application which discloses or makes obvious a comparison module operable to compare drawing results for first time winners and for second chance winners among the participants in a lottery pool as required by Claim 49, nor the provision of a ticket purchase module operable to enable the lottery interface of a pool management system to purchase tickets through a communications network by one of direct purchase and purchases coordinated by the lottery interface, as required by Claim 50, nor a module for displaying on a participant computer a report showing at least one of the number of entries of sets of numbers by participants and the number of matches of winning numbers entered by respective participants, as required by Claim 51. Consideration for allowance of Claims 49 through 51 is therefore also respectfully requested.

Applicants verily believe that the alleged admitted prior art over which the Examiner has rejected the claims pending in this application clearly fails to disclose or suggest a system or method as set forth in the claims presented herewith. The background section of Applicants' specification as set forth, primarily, on pages 2 and 3, clearly fails to mention that systems which include participant or notification interfaces or processes which include the features set forth in the claims now presented were known prior to the present invention. In fact, the background discussion in Applicants' specification clearly indicates that a lack of communication or notification has often been a problem in distributing lottery winnings. Applicants have not merely automated a known

process or system, but have invented a system with elements and a process with steps which do not exist in prior art lottery pool management systems or processes, and such system and process are not made obvious by the prior art.

Applicants have made a diligent effort to further advance the prosecution of this application by filing the above-referenced Request for Continued Examination, by amending claims and by pointing out with particularity herein how the claims presented distinguish over the prior art. An early Notice of Allowance of the claims pending per this amendment is respectfully solicited.

Respectfully submitted,

Date: 3/28/05

Michael E. Martin
Michael E. Martin
Registration No. 24,821
Agent for Applicants

Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Phone (214) 999-3000
Fax (214) 999-3623